

SENATE BILL No. 419

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-10-12-5; IC 12-14-30.

Synopsis: Food stamp eligibility. Provides that an individual who has been convicted of a felony involving a controlled substance and who has completed or is participating in certain substance abuse treatment programs or mental health programs may receive assistance under the federal Food Stamp Program for up to 12 months. Requires the department of correction to assist an offender with applying for food stamps.

Effective: July 1, 2010.

Broden

January 14, 2010, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 419

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-10-12-5, AS ADDED BY P.L.161-2007,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 5. (a) The department shall assist a committed
4 offender in applying for assistance under the federal Temporary
5 Assistance for Needy Families (TANF) program (45 CFR 260 et seq.)
6 **and the federal Food Stamp Program (7 U.S.C. 2011 et seq.)** so that
7 the committed offender might be eligible for assistance when the
8 offender is subsequently:
9 (1) released on parole;
10 (2) assigned to a community transition program; or
11 (3) discharged from the department.
12 (b) The department shall provide the assistance described in
13 subsection (a) in sufficient time to ensure that the committed offender
14 will be able to receive assistance at the time the committed offender is:
15 (1) released on parole;
16 (2) assigned to a community transition program; or
17 (3) discharged from the department.



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SECTION 2. IC 12-14-30 IS ADDED TO THE INDIANA CODE
AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2010]:

Chapter 30. Food Stamp Assistance for Certain Offenders

Sec. 1. (a) An individual who:

(1) except for 21 U.S.C. 862a(a), meets the federal and Indiana
food stamp program requirements;

(2) has been convicted of an offense under federal or state law
that:

(A) is classified as a felony; and

(B) has as an element the possession or use of a controlled
substance (as defined in 21 U.S.C. 802(6)); and

(3) either has completed or is participating in substance abuse
or mental health treatment provided by:

(A) an addiction services provider certified by the division
of mental health and addiction;

(B) a mental health provider (as defined in IC 16-36-1.5-2);

(C) the department of correction;

(D) the federal government; or

(E) a faith based program certified by the division of
mental health and addiction;

is eligible to receive food stamp assistance under this chapter for
not more than twelve (12) months.

(b) For purposes of eligibility for food stamp assistance under
this chapter, a court may order an individual described in
subsection (a) to participate in substance abuse or mental health
treatment under this section.

(c) The department of correction shall assist an individual who:

(1) is incarcerated by the department of correction; and

(2) will be eligible for assistance under this chapter upon:

(A) release to parole;

(B) assignment to a community transition program; or

(C) discharge from the department of correction;

with applying for assistance under this chapter as described in
IC 11-10-12-5.

(d) An individual who is receiving food stamps under this
chapter must be tested at least one (1) time every two (2) months
for drugs at a time chosen by the provider of the substance abuse
or mental health treatment the individual completed or is
participating in under this section. This section does not prevent
the provider from testing for drugs more frequently if more
frequent testing is part of the program operated by the provider.

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1 **Sec. 2. In accordance with 21 U.S.C. 862a(d)(1), the state elects**
2 **to opt out of the application of 21 U.S.C. 862a(a) for an individual**
3 **who has completed or is participating in a substance abuse or**
4 **mental health treatment program described in section 1(a)(3) of**
5 **this chapter.**

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